JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and the

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT 1362 McMillan Avenue, Suite 400 Charleston, South Carolina 29405

REGULATORY DIVISION Refer to: P/N #2004-1W-317-C

5 NOVEMBER 2004

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

FAIRMONT PINES, LLC c/o HLA, INC. 29 LEINBACH DRIVE, SUITE A-2 CHARLESTON, SOUTH CAROLINA 29407

for a permit to place fill material in wetlands associated with the upper reaches of

BACK RIVER

at several locations on a 206.46 acre site located at the southwest corner of the intersection of Cypress Garden Road and US Highway 52 in Berkeley County, South Carolina (Latitude 33.0821°, Longitude 80.0190°)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 6 DECEMBER 2004

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing fill material in a total of 1.03 acres of jurisdictional wetlands as follows: 0.49 acres of jurisdictional wetlands at five locations for road crossings designed with appropriate culverts necessary for ingress and egress and 0.54 acres of jurisdictional wetland for appropriate lot layouts. In addition, 0.68 acres of jurisdictional wetlands will be cleared, trenched and backfilled for utility crossings. No non-jurisdictional isolated wetlands will be impacted within the tract. As mitigation for these unavoidable jurisdictional wetland impacts, the applicant proposes to preserve 60.48 acres of on-site

contiguous wetlands by restrictive covenant and to provide wetland enhancement by establishing 15.59 acres (average 25' width) of adjacent upland buffers. The applicant also proposes to remove an existing sewer force main and restore the 0.45 acre wetland area. The project purpose is a master-planned residential development of a 206 acre site with 62.89 acres of on site jurisdictional wetlands.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69A Hagood Avenue Charleston, South Carolina 29403-5107.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 1.71 acres of freshwater wetlands upstream from estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being

eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

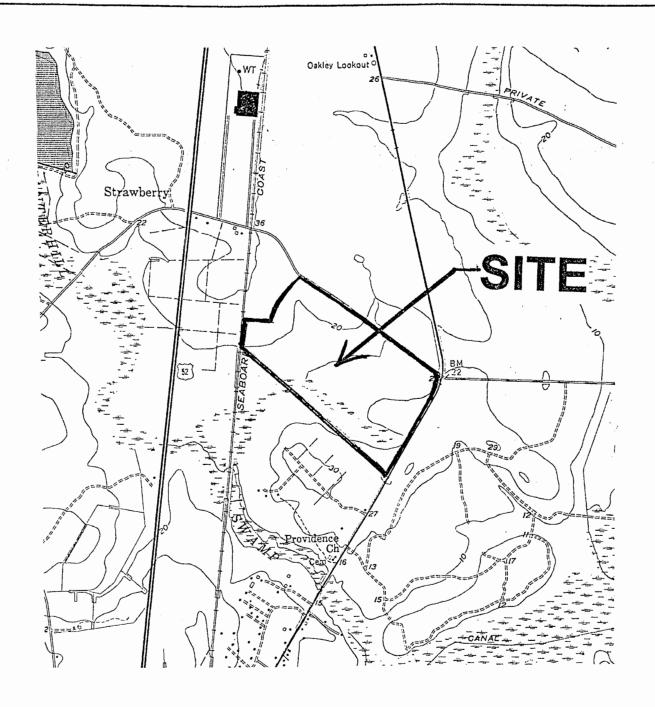
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

Debra W. King Project Manager Regulatory Division

U.S. Army Corps of Engineers

Debra M. King



USGS MAP

QUADRANGLE MOUNT HOLLY, SC. Project Title:

FAIRMONT SOUTH - CYPRESS GARDEN ROAD

Praject Location: Lat. 33" 05" 00" N, Long. 80" 01" 20" W

BERKELEY COUNTY - SOUTH CAROLINA

Applicant:

FAIRMONT PINES, LLC.

PROPOSED ACTIVITY:

WETLAND IMPACT AND MITIGATION FOR RESIDENTIAL COMMUNITY DEVELOPMENT

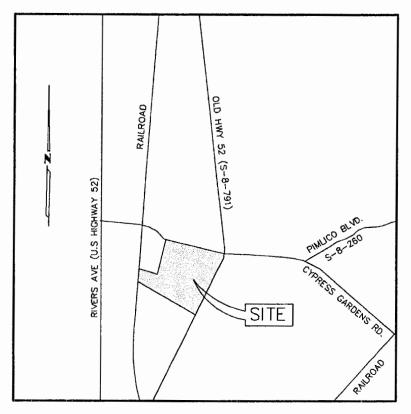
Revisions

Date Initials

Date: AUGUST 25, 2004
Application #2004 | W 317

Scale:

Sheet 1 of 11



LOCATION MAP

NOT TO SCALE

USGS MAP

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	Project Title: FAIRMONT SOUTH — CYPF	RESS GARDEN ROAD							
	Project Location: Lat. 33° 05' 00" N, Long. 80° 01' 20" W BERKELEY COUNTY — SOUTH CAROLINA								
	Applicant: FAIRMONT PINES, LLC								
_	Date: AUGUST 25, 2004	Scale:							

PROPOSED ACTIVITY:

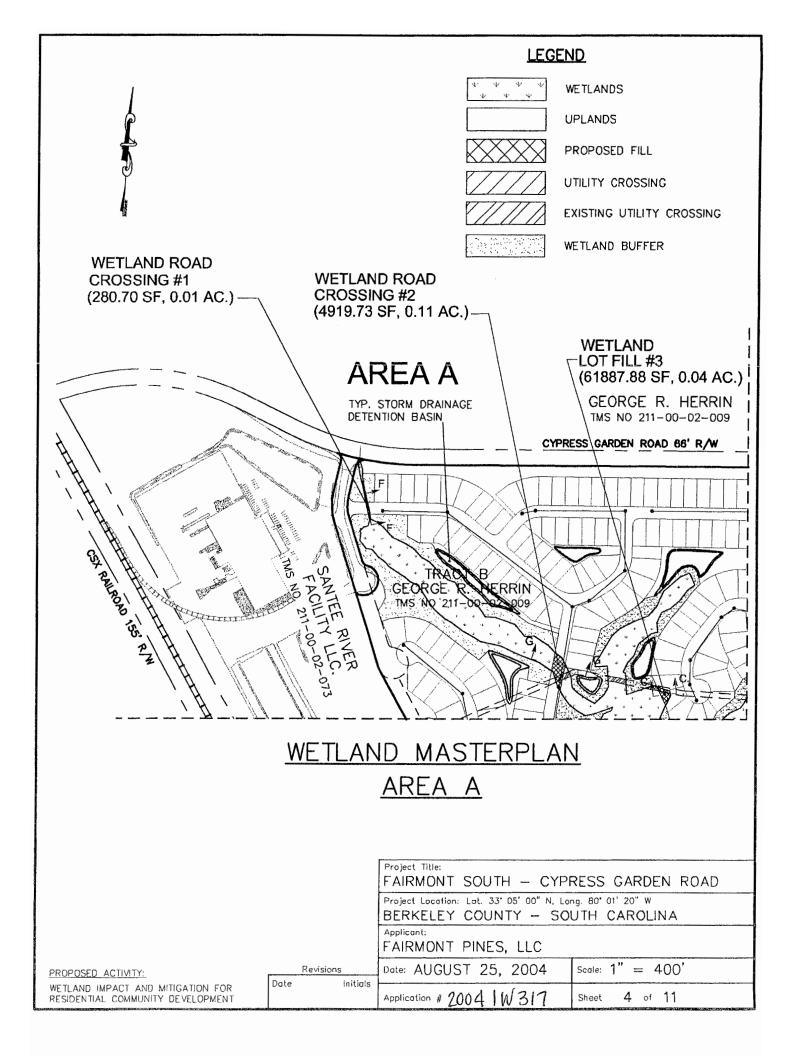
WETLAND IMPACT AND MITIGATION FOR RESIDENTIAL COMMUNITY DEVELOPMENT

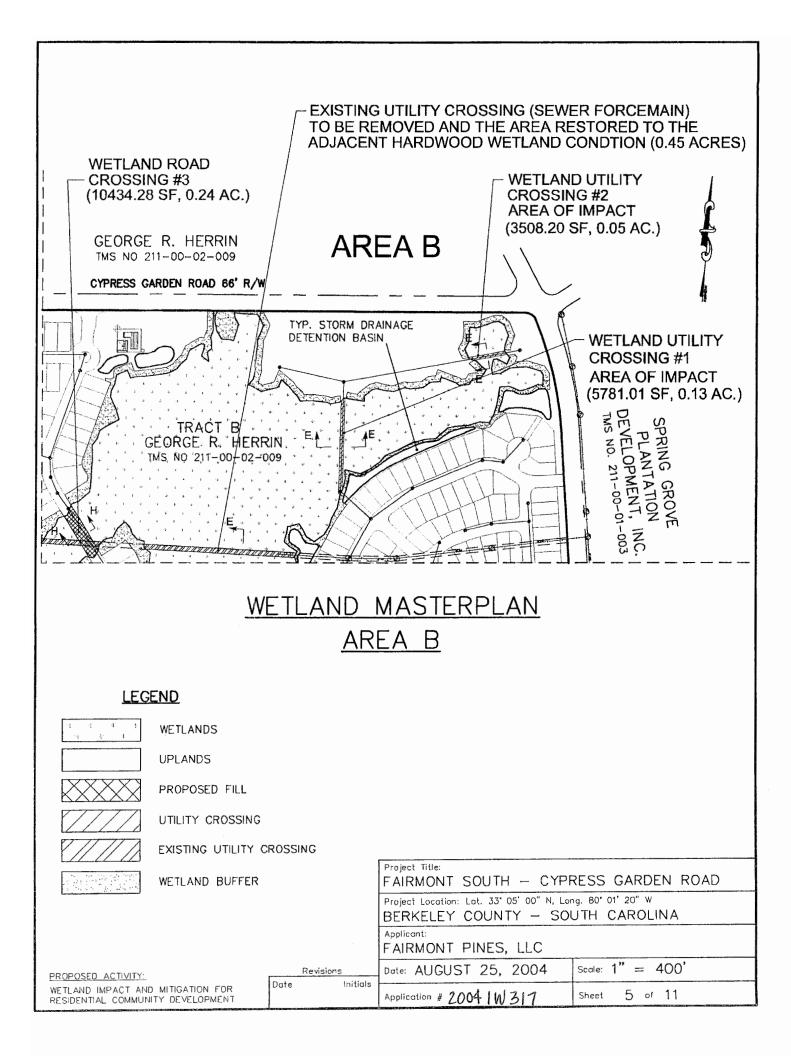
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Date Initials

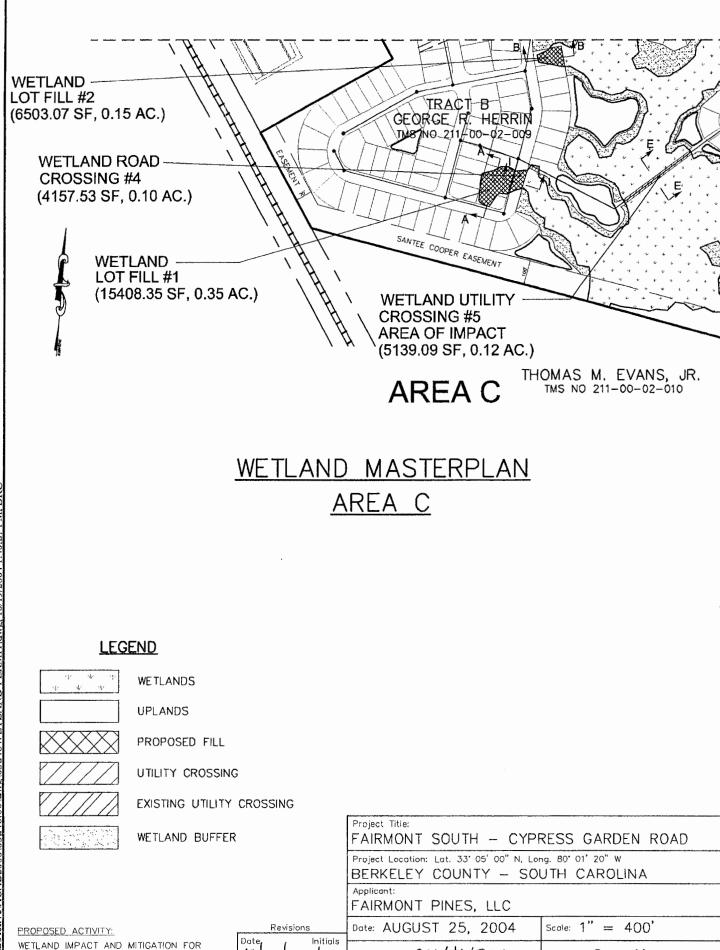
Application # 2004/W 317

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Sheet

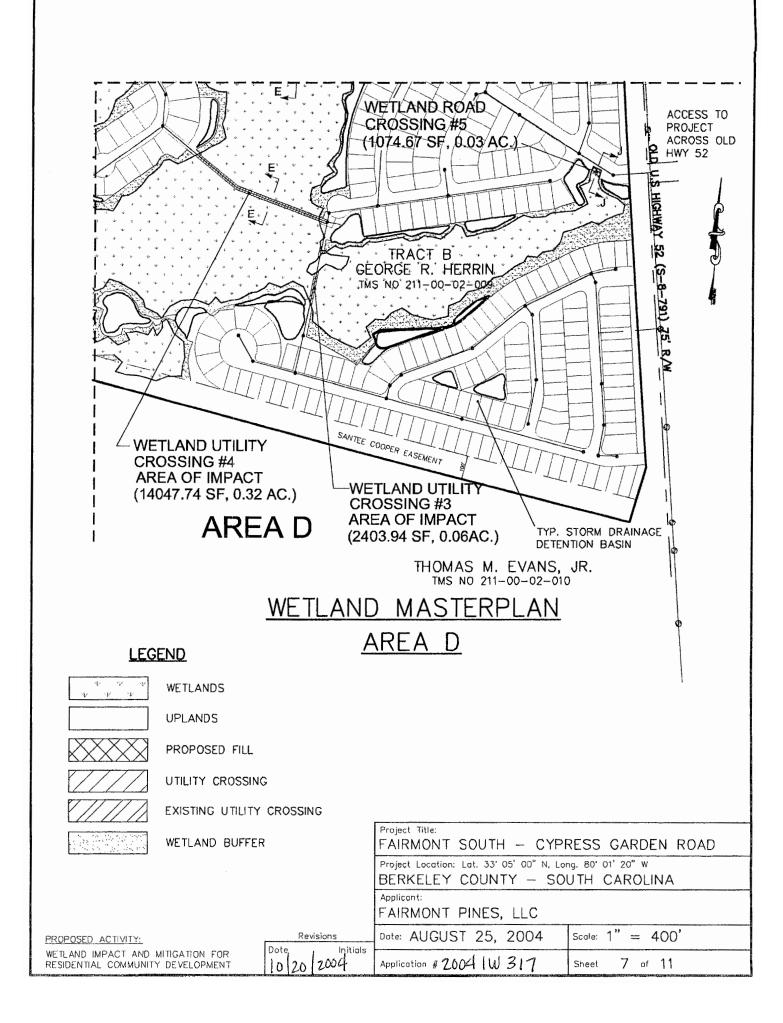
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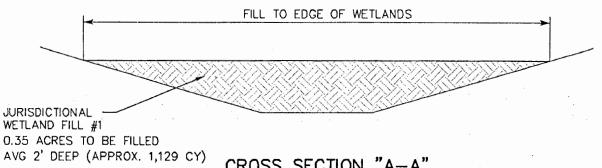
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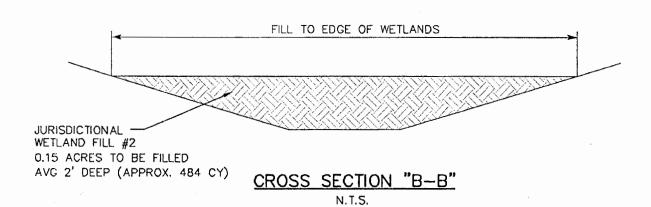
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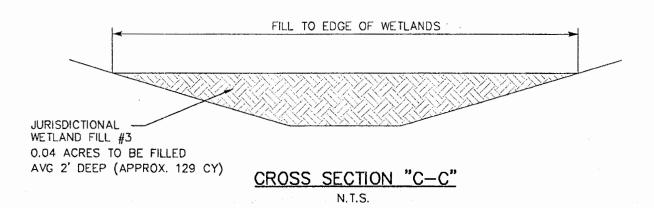
RESIDENTIAL COMMUNITY DEVELOPMENT



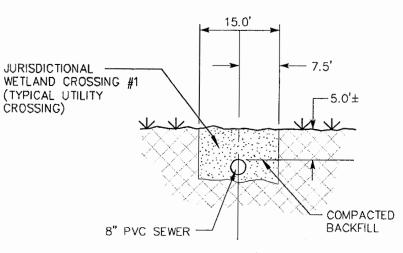


CROSS SECTION "A-A"

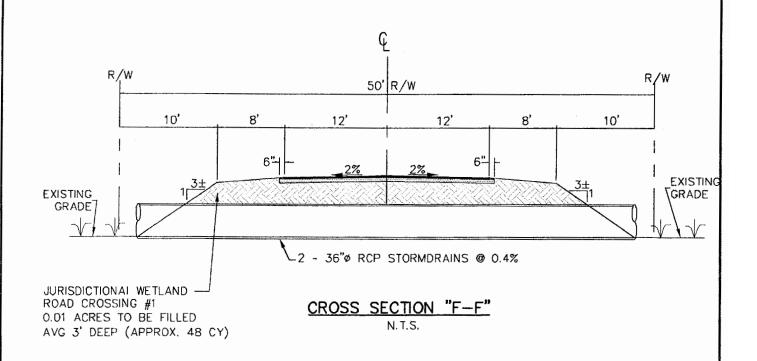




Project Title: FAIRMONT SOUTH - CYPRESS GARDEN ROAD Project Location: Lat. 33" 05' 00" N, Long. 80' 01' 20" W BERKELEY COUNTY - SOUTH CAROLINA Applicant: FAIRMONT PINES, LLC Date: AUGUST 25, 2004 Revisions Scale: PROPOSED ACTIVITY: Date Initials WETLAND IMPACT AND MITIGATION FOR RESIDENTIAL COMMUNITY DEVELOPMENT Application # 2004 | W 317 Sheet 8 of 11



CROSS SECTION "E-E"



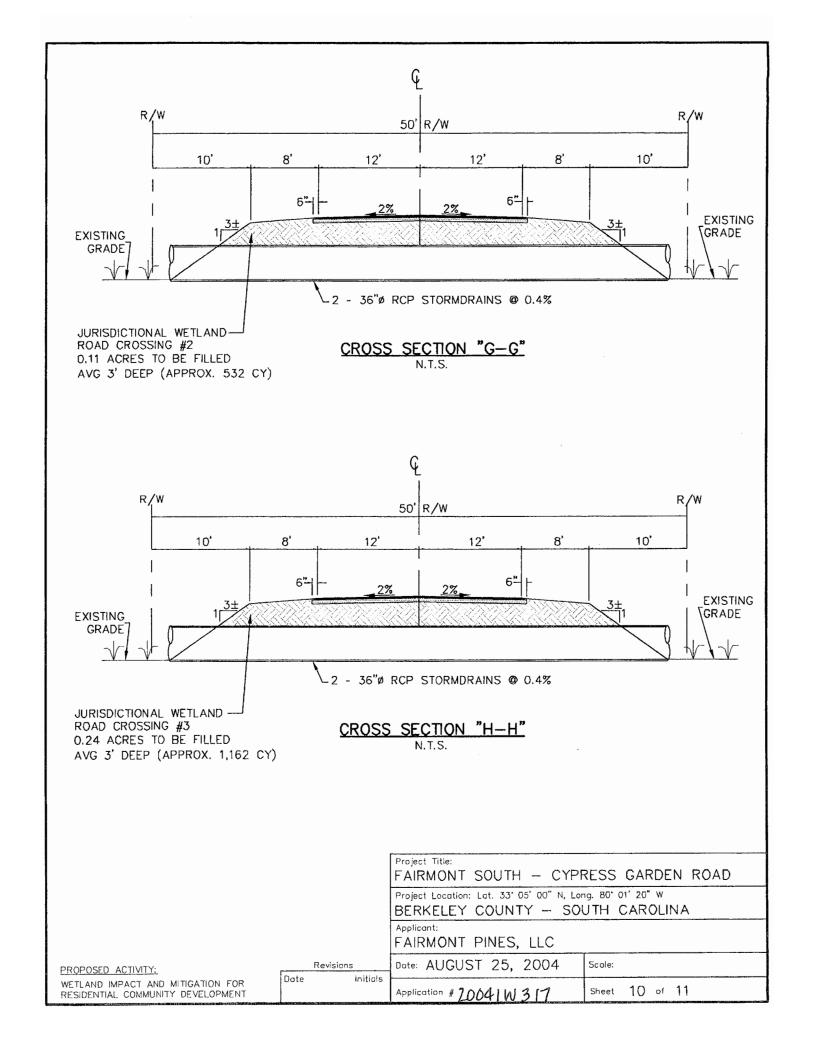
Project Title: FAIRMONT SOUTH - CYPRESS GARDEN ROAD Project Location: Lat. 33° 05' 00" N, Long. 80° 01' 20" W BERKELEY COUNTY - SOUTH CAROLINA Applicant: FAIRMONT PINES, LLC Date: AUGUST 25, 2004 Scale: Application # 2004 IW 317 Sheet

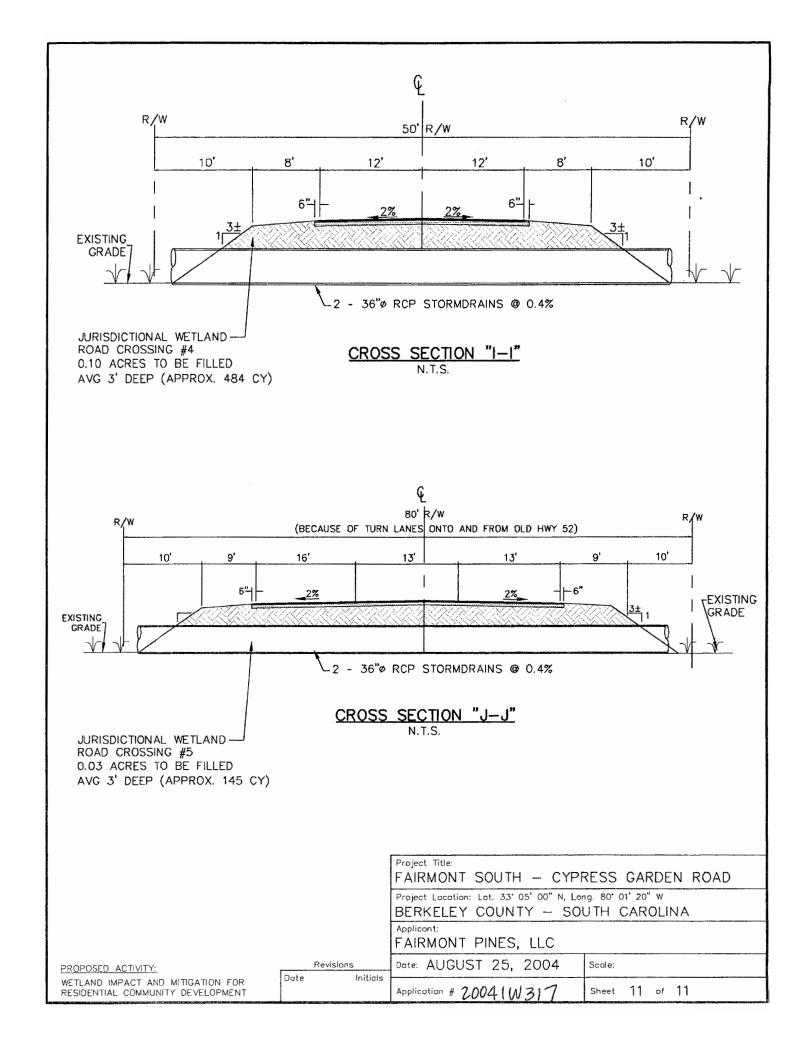
PROPOSED ACTIVITY: WETLAND IMPACT AND MITIGATION FOR

RESIDENTIAL COMMUNITY DEVELOPMENT

Revisions Date Initials

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14.1. Adverse Impacts Table

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

FACTORS		OPTIONS							
Lost Type	Тур	e C		Тур	e B		Type A		
	0.2			2	2.0)	
Priority Category	Ter	tiary		Seco		Prim	ary		
	0	.5		1	1.5)	
Existing Condition	Very Impair	ed		Impaired	Slightly Impaired		Fully Functional		
	0.1			1.0	2.0			2.5	
Duration	Seasonal 0 To 1		To 1	1 To 3	3 To 5	5 To 10		Over 10	
	0.1		0.2	0.5	1.0		1.5	2.0	
Dominant Impact	Shade	C	Clear	Dredge	Drain	Imp	pound	Fill	
	0.2	.2		1.5	2.0	2.5		3.0	
Cumulative Impact									

Note: For the Cumulative Impact factor, Σ AA_i stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the <u>overall</u> project must be used in each area column on the Required Mitigation Credits Worksheet below.

Factor	Arc	ea 1	Arc	Area 2		Area 3		Area 4		Area 5		ı 6
Lost Type		3		3		3						
Priority Category	0	.5	0	0.5		0.5						
Existing Condition		2		2		2						
Duration		2		2		2						
Dominant Impact		3		3	1							
Cumulative Impact	0	.1	0	.1	0.1				,			
Sum of r Factors	R ₁ =	10.6	R ₂ =	10.6	R ₃ =	8.6	R ₄ =	0	R ₅ =	0	R ₆ =	0
Impacted Factors	AA ₁ =	0.54	AA₂≈	0.49	AA ₃ =	0.68	AA ₄ =	0	AA ₅ =	0	AA ₆ ≃	0
R x AA=	5.1	724	5.	5.194		5.848		0		О		

Lots Roadways Utilities

Total Required Credits = $\Sigma (R \times AA) =$

16.766

14.4. Preservation Table

PRESERVATION MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

FACTORS		OPTIONS									
Priority Category	Ter	tiary			Secondary				Primary		
Thomas caregory	0.1				0	.2				0.4	
Existing Condition	Existing Condition Impaire		ired		Slightly	Impaire	d	F	ully	Functional	
	-0.1				(0				0.1	
Degree of Threat	Low				Moderate			High			
	-0.1			0.1			0.2				
Control	Covenant		C		Covenant		Conservation		Tr	Transfer Free Title	
	Private			POA			Easement		Conservancy		
	0			0).1		0.4		<u> </u>	0.6	
Kind	Category 5	Ca	ategory 4		Category	/ 3	Cate	gory 2		Category 1	
	-0.1		0		0.1		0.2			0.3	
Location	Zone 5		Zone 4		Zone 3		Zone 2			Zone 1	
	-0.1		0		0.1		0.2			0.3	

<u>Note:</u> Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

Proposed Preservation or Enhancement Mitigation Worksheet

	I		Emmanc		T		T		Γ.	
Factor	Are	Area 1		a 2	Area 3		Are	a 4	Area 5	
Priority Category	0	.1								
Existing Condition		0								
Degree of Threat	0	.1								
Control	0	.1								
Kind	0	.3								
Location	0	.3								
Sum of m Factors	M1=	0.9	M2=	0	M3=	0	M4=	0	M5=	0
Mitigation Area	A _l =	44.89	A ₂ =	0	A ₃ =	0	A ₄ =	0	A ₅ =	0
M x A=	40.401		0		0		0		0	

Total Preservation Credits = Σ (M x A) =	40.401

Mitigation for Wetlands Fairmont South

143. Restoration and Enhancement Table

BUFFER ENHANCEMENT

RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS 2004 - 100317

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Factors		Options									
Net Improvement	Minimal Enl	Minimal EnhancementExcellent Restoration									
	0.1				4.0						
Control	N.A.	Covenant	Covenant	Conservation	Transfer						
		Private	POA	Easement	Fee Title						
					Conservancy						
	0	0.1	0.2	0.4	0.6						
Townseller	N.A.*	Over 20	10 to 20	5 to 10	0 to 5						
Temporal Lag	O	-0.3	-0.2	-0.1	0						
Credit Schedule	Schedule 5	Schedule 4	Schedule 3	Schedule 2	Schedule 1						
Credit Schedule	0	0.1	0.2	0.3	0.4						
W:- J	Category 5	Category 4	Category 3	Category 2	Category 1						
Kind	-0.1	0	0.2	0.3	0.4						
7	Zone 5	Zone 4	Zone 3	Zone 2	Zone I						
Location	-0.1	0	0.2	0.3	0.4						

N.A. = Not Applicable

Proposed Restoration or Enhancement Mitigation Worksheet

Factor	Area	Area 1		Area 2		Area 3		Area 4		Area 5	
Net Improvement	0.5	5									
Control	0.2	2								.,	
Temporal Lag	0			.,							
Credit Schedule	0,4	1									
Kind	0										
Location	0.4	1									
Sum of m Factors	Ml≔	1,5	M2=	0	M3=	0	M4=	0	M5=	0	
Mitigation Area	A	15.59	A ₂ #		A ₃ =	0	A ₄ =	0	A ₅ =	0	
M x A=	23.3	85	0		0		0		(0	

Buffer

Total Restoration/Enhancement Credits = Σ (M x A) =

23.38	35	

^{*}Use this option to calculate credits for enhancement by buffering

Mitigation for Wetlands Fairmont South

14.3. Restoration and Enhancement Table

NONBUFFER ENHANCEMENT/RESTORATION

RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS 2004 - 1W - 317

Factors	Options								
Net Improvement	l .	Minimal EnhancementExcellent Rest							
Control	0.1 N.A.	Covenant Private 0.1	Covenant POA 0.2	Conservation Easement 0.4	4.0 Transfer Fee Title Conservancy 0.6				
Temporal Lag	N.A.* 0	Over 20 -0,3	10 to 20 -0.2	5 to 10 -0.1	0 to 5 0				
Credit Schedule	Schedule 5	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4				
Kind	Category 5 -0.1	Category 4 0	Category 3 0.2	Category 2 0.3	Category 1 0.4				
Location	Zone 5 -0.1	Zone 4	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4				

N.A. = Not Applicable

Proposed Restoration or Enhancement Mitigation Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Net Improvement	2				
Control	0.2				
Temporal Lag	0				
Credit Schedule	0.2				
Kind	0.4				
Location	0.4				
Sum of m Factors	M1= 3.2	M2= 0	M3= 0	M4= 0	M5= 0
Mitigation Area	A ₁ == 0.45	A ₂ -	A ₃ = 0	A4= 0	A ₅ = 0
M * A=	1.44	Ó	Ó	0	0

Total Restoration/Enhancement Credits = Σ (M x A) =

1.44	

^{*}Use this option to calculate credits for enhancement by buffering

WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Mitigation Summary Worksheet For Permit Application #		Fairmont South	
	_	2004-1W-317	
I Required Mitigation			
Total Required Mitigation Credits =	16.766		

П. Non - Banking Mitigation Credit Summary	Credits	Acres
B. Creation		,
C. Restoration and/or Enhancement (Non-Buffer Enhancement	1.44	0.45
D. Restoration and/or Enhancement (Buffer Enhancement)	23.385	15.59
E. Total No Net Loss Non-Bank Mitigation = B + C + D	24.825	
F. Preservation	40.401	44.89
G. Total Proposed Non-Bank Mitigation	65.226	60.93

III. Banking Mitigation Credit Summary	Credits	Acres
H. Creation		
I. Restoration and/or Enhancement (Non-Buffer Enhancement		
J. Restoration and/or Enhancement (Buffer Enhancement)		
K. Total No Net Loss Bank Mitigation = H + I + J		0 0
L. Preservation		
M. Total Proposed Bank Mitigation = K + L		0 0

IV. Grand Totals	Credits	Acres
N. Total Preservation Mitigation = F+ L	40,401	44.89
O. Total Non-Preservation Mitigation = E + K	24.825	16.04
P. Total Creation = B + H	0	0
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	1.44	0.45
R. Total Proposed Mitigation = G + M	65.226	60.93

Mitigation for Wetlands

Fairmont South 2004 | W317

The total Mitigation Credits (Row R) should be equal to or greater than the total Required Mitigation Credits (Row A) for the proposed mitigation to be acceptable. The other requirements given in the SOP must also be satisfied, e.g., in the credits column, Row O must equal at least 50% of Row A and the addition of Row P and Row Q must equal at least 25% of Row A. If the answer to any of the questions below is no, then the proposed mix and/or quantity of mitigation is not in compliance with the policy and the plan should be revised or rejected, unless a variance is approved.

	Yes	No
PMC ≥ RMC		
or in words		
Are the credits in Row R greater than or equal to Row A?	X	
$PMC_{Non-Preservation} \ge 1/2 RMC$		
or in words		
Are the credits in Row O greater than or equal to 50% of Row A?	X	
PMC _{Creation + Restoration/Enhancement (Non-Buffer Enhancement)} ≥ 1/4 RMC		
or in words		
Are the credits in Row P plus the credits in Row Q greater than or equal to 25% of Row		
A?		X